

OFFICE OF THE CLERK

MARCIA M. WALDRON
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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
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PHILADELPHIA 19106-1790

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August 29, 2007

Peter T. Dalleo, Clerk
United States District Court
J. Caleb Boggs Federal Building
Lockbox 18
844 King Street
Wilmington, DE 19801-3570

Re: Hardin v. Carroll, et al
D. Del. No. 06-cv-220-JJF

Dear Mr. Dalleo:

Pursuant to Rule 4(d), Federal Rules of Appellate Procedure, and Rule 3.4, Third Circuit Local Appellate Rules, we are forwarding the attached notice of appeal from the District Court order entered July 23, 2007 which was filed with this office in error. See Rule 3(a)(1), Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. **The notice was postmarked August 16, 2007 and should be docketed as of that date.**

This document is being forwarded solely to protect the litigant's right to appeal as required by the Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. Upon receipt of the document, kindly process it according to your Court's normal procedures. If your office has already received the same document, please disregard the enclosed copy to prevent duplication.

Pursuant to Rule 3(a)(1), Federal Rules of Appellate Procedure, a notice of appeal must be filed with the Clerk of the District Court. This Court may not act on an appeal until the notice has been docketed in the District Court and certified to this Court by the District Court Clerk.

Thank you for your assistance in this matter.

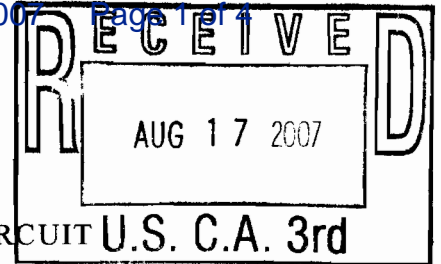
Very truly yours,

Marcia M. Waldron, Clerk

By: /s/ Bradford A. Baldus
Bradford A. Baldus
Senior Legal Advisor to the Clerk

Enclosure
cc: Rudolph V. Hardin (w/out enclosure)

Rudolph V. Hardin SBI# 180391
Unit W
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977



NOTICE OF APPEAL
TO
U.S. COURT OF APPEALS, THIRD CIRCUIT U.S. C.A. 3rd

U.S. District Court for the District of Delaware

CIRCUIT COURT
DOCKET NUMBER: _____
(leave blank)

FULL CAPTION IN DISTRICT COURT AS FOLLOWS:

Rudolph V. Hardin

DISTRICT COURT
DOCKET NUMBER: 06-220-JJF

v.

DISTRICT COURT
JUDGE: Joseph J. Farnan Jr.

Thomas Carroll, Warden

Notice is hereby given that Rudolph V. Hardin

Appeals to the United States Court of Appeals for the Third Circuit from ☐ Judgment ☒ Order,
☐ Other (specify)

Entered in this action on July 23, 2007

Dated: August 16, 2007

Rudy V. Hardin
(Counsel for Appellant-Signature)

Rudolph V. Hardin, Pro se
(Name of Counsel - Typed)

James Turner Wakley, DAJ
Counsel for Appellee

1181 Paddock Road
(Address)

844 King Street
(Address)

Smyrna, Delaware -19977
(City, State Zip)

Wilmington, Delaware, 19801
(City, State Zip)

(Telephone Number)

302-573-6170
Telephone Number

NOTED: USE ADDITIONAL SHEETS if all appellants and/or all counsel for appellees cannot be listed on the Notice of Appeal

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RUDOLPH V. HARDIN,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 06-220-JJF
	:	
THOMAS CARROLL, Warden, and JOSEPH	:	
R. BIDEN, III, Attorney General	:	
of the State of Delaware,	:	
	:	
Respondents.	:	


ORDER

At Wilmington, this 23 day of July, 2007, for the reasons set forth in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that:

1. Petitioner Rudolph V. Hardin's Application For A Writ Of Habeas Corpus Pursuant To 28 U.S.C. § 2254 (D.I. 2) is **DISMISSED**, and the relief requested therein is **DENIED**.

2. The Court declines to issue a certificate of appealability because Petitioner has failed to satisfy the standards set forth in 28 U.S.C. § 2253(c)(2).


UNITED STATES DISTRICT JUDGE

Certificate of Service

I, Rudolph V. Hardin, hereby certify that I have served a true
And correct cop(ies) of the attached: Notice Of Appeal
_____ upon the following
parties/person (s):

TO: James Turner Wakley
Deputy Attorney General
844 King Street
Wilmington, Delaware - 19801

TO: _____

TO: _____

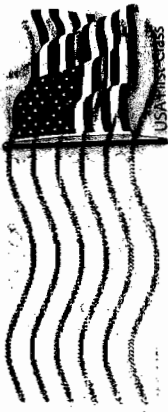
TO: _____

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 16 day of August, 2007

Rudy V. Hardin

IM Rudolph Hardin
SBI# 180391 UNIT W
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



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